

Overview

In general terms, a use permit is formal permission by the City following review of a discretionary activity, function, or operation on a site, or in a building or facility. A use permit may be issued with various conditions of approval. There are four basic types of use permits issued by the City, as follows:

1. *Conditional use permits.* These are the most common type, and are issued for land uses that may be approved under the zoning ordinance, but only upon meeting specific conditions. The conditional use permit allows the City to more closely review individual projects that could negatively affect surrounding properties, by nature of special operating characteristics, site layout, or design. Staff and the Planning Commission have the ability to develop a set of conditions to minimize any impacts before authorizing the development. Common conditions of approval include limited hours of operation, road improvements, soundproofing, additional landscaping, and additional parking. The permit is granted on the land, not to the property owner, and will remain valid even if the property changes owners, but may be limited following discontinuance of a use. A conditional use permit may also be revoked for noncompliance or other reasons cited in the permit, subject to notice and a hearing. See Chapter 17.830 of the Brentwood Municipal Code for more information related to conditional use permits.
2. *Administrative use permits.* These are issued specifically for large care facilities located in residential areas. “Large” facilities are typically defined in accordance with State law as those which regularly provide care, protection, and supervision of 7-14 individuals. This care is provided for periods of less than 24 hours per day, while the parents or guardians are away. For child day care facilities, no more than three infants may be cared for when more than 12 children are present, and two of the 14 children must be six years of age or older (this provision is subject change periodically based on State law).
3. *Home occupation use permits.* These are issued for commercial or other activities conducted in a home, when the activity is clearly incidental and secondary to the use of the home as a residence. These permits are triggered whenever a business license is required using a home as the “location of business in Brentwood” or in the absence of a location, using a home as a “mailing address,” and in any case where a commercial or commercial-like activity or an activity not customarily conducted in the home, is being conducted in a home. These permits are required for typical home-based businesses, as well as for instructional types of businesses and those that involve food preparation in accordance with State law. See Chapter 17.840 of the Brentwood Municipal Code for more information related to home occupation use permits.
4. *Temporary use permits.* These are issued for short-term activities established for fixed periods of time on private property, with the intent to discontinue them upon the expiration of the permitted time period that does not meet the normal development or use standards of the applicable zone. Compliance with applicable standards ensures that the establishment, maintenance, or operation of the short-term activity would not be detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity. See Chapter 17.850 of the Brentwood Municipal Code for more information related to temporary use permits, including minor temporary use permits for activities that take place on private property and meet certain operational criteria.

Submittal Requirements

No application will be accepted for processing until one hard copy of the following information is submitted to the satisfaction of the Community Development Department:

1. Completed Universal Application or Temporary Use Permit Application, signed by the property owner. Alternatively, a letter of authorization from the property owner will suffice.

2. Applicable filing fees.
3. Detailed written statement describing the use and the reason for it. This should include things such as the days and hours of operation, number of employees, number of customers at peak hours of use, any other permits or licenses required for use, and any other use-related information. For commercial uses, this should include a list of other businesses within the same development, along with days and hours of operation. For large care facilities, this should include the number and ages of individuals to be cared for, pickup and drop-off times, etc.
4. Location map indicating the project site, adjacent properties, and adjacent streets.
5. Site plan of the subject property, including all existing and proposed buildings, drawn to scale.
6. Floor plan of the existing or proposed building, drawn to scale.
7. Preliminary landscaping plan, if any is required or proposed.
8. Preliminary title report for the subject property, no more than three months old at the time of submittal.
9. For conditional use permits and administrative use permits, signage must be posted on the subject property in accordance with Chapter 17.800 of the Brentwood Municipal Code.
10. For large care facilities, copies of applicable licenses or approvals from the State and Fire District.
11. Flash drive or CD containing all written documents in Word format and all maps/plans in PDF format.
12. Other information which is pertinent and/or which the Community Development Director may require all applicants to furnish, by general policy.

**All full-size copies of plans shall be folded to 8 ½" by 11" in size at the time of submittal. Additional copies of full-size plans will be needed prior to any required public hearing.*

Processing Time

- Conditional use permits are typically processed in 8-12 weeks.
- Administrative use permits are typically processed in 4-6 weeks.
- Temporary use permits are typically processed in 2-3 weeks.
- Home occupation use permits are typically processed in 1-2 days, unless the proposed business requires notice to be provided to surrounding property owners.

Public Hearings Required

Conditional use permits require noticed public hearings before the Planning Commission. Administrative use permits require noticed public hearings before the Zoning Administrator. The City is responsible for providing applicable notices to all property owners within 300 feet of the project site, as well as publication in the local newspaper, no less than 10 days from the date of the hearing. Temporary use permits and home occupation use permits do not require public hearings and are approved by staff (note: certain types of home occupation use permits require notice to be provided to surrounding property owners).

Appeal Process

Decisions made by either the Zoning Administrator or Planning Commission are subject to appeal, in accordance with Chapter 17.880 of the Brentwood Municipal Code. In general, decisions of the Zoning Administrator become effective 10 calendar days after they are made. Any affected party may appeal a decision of the Zoning Administrator to the Planning Commission by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the Planning Commission also become effective 10 calendar days after they are made. Any affected party may appeal a decision of the Planning Commission to the City Council by submitting an application and the required appeal fee to the City Clerk during the 10-day appeal period. Decisions of the City Council are final.



INDEMNITY CLAUSE FOR TEMPORARY USE PERMITS

Planning Division

Date

I, (We), _____, the organizers of the event permitted under Temporary Use Permit No. _____ agree to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.

Applicant's Signature



SUPPLEMENTAL INFORMATION FOR MINOR TEMPORARY USE PERMITS

Planning Division

Allowed temporary uses, as defined in Section 17.850.007 of the Brentwood Municipal Code, and occurring entirely upon private property not zoned for residential use and located within an existing development of sufficient size to provide adequate space, circulation and parking for the anticipated attendance, as determined by the Community Development Director, may be permitted with a minor temporary use permit for any time period less than 12 months as approved by the Community Development Director if the applicant can demonstrate that the following performance standards are met.

Please check each box and sign and date below indicating your acceptance and understanding of the following performance standards:

- ☐ A minor temporary use permit application shall be completed and submitted to the Community Development Director for approval prior to the start of the short-term activity.
- ☐ Hours of operation are limited to 7:00 a.m. to 10:00 p.m. daily.
- ☐ Adequate parking for the anticipated attendance shall be provided.
- ☐ All trash generated by the use shall be picked up both on and off-site at the end of each event.
- ☐ The applicant shall obtain County Health Department approval and submit such documentation with the application for any food service beyond what is allowed for existing permitted business on-site.
- ☐ No consumption or sales of alcohol shall be allowed as part of the event, other than as permitted within existing businesses licensed by the California Department of Alcoholic Beverage Control located within the shopping center.
- ☐ Any amplified sound used at the event or other noise generation activities shall be subject to Chapter 9.32 (Noise Regulations) of the Brentwood Municipal Code.
- ☐ No additional lighting is allowed.
- ☐ Adequate provision for safety and security measures shall be provided. The applicant shall be responsible for ensuring the safety and welfare of the attendees, as determined by the Chief of Police or his designee. The Police Department may close the event due to failure to satisfy conditions of the permit.
- ☐ Prior to the event, the applicant shall provide a statement to the City stating that the organizers of the event agree to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of the minor temporary use permit, or arising out of the operation of the use or uses allowed under the permit, save and except that caused solely by the City's active negligence.
- ☐ The applicant shall adhere to all Building and Fire Codes and obtain any necessary permits and inspections prior to the event.
- ☐ The applicant shall make a good faith effort to work with City staff addressing any concerns that arise relating to the placement or operation of the event.

I understand and will comply with the above performance standards and all applicable sections of Chapter 17.850 of the Brentwood Municipal Code.

Date

Applicant's Signature

Name of Event: _____

Date(s) of the Event: _____

Address of Event: _____

Name of Person Organizing Event: _____

Emergency Contact Number: _____

Alternate Contact Number: _____

Describe the temporary use/event activities that will be conducted on the site: _____

Owner of property if other than applicant: _____

(Property owner consent is required if applicant is not the owner. Please have the property owner or his agent sign below to signify approval.)

I certify that I have read, understand, and will comply with all regulations governing "Temporary Use Permits" as listed in Chapter 17.850 of the Brentwood Municipal Code. I declare under penalty of perjury that the information contained in this application is true and correct and that the temporary use permit activity will not be conducted in a manner inconsistent with the Brentwood Municipal Code.

Applicant's Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____